

37126

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December 10, 1990

Dear Sir:

My husband and I, life-long residents of New Jersey, and for the past 21 years owners of a horse boarding facility on 12 acres in Meyersville, Passaic Township, Morris County would like to bring to your attention a situation brought about by the EPA and ATSDR that has impacted our lives drastically and may have an impact on all the residents of the Great Swamp area. We hope that perhaps you can expedite a timely resolution for us or shed some light on the situation.

As you may be aware, National Gypsum operated a plant in Stirling, NJ from 1927 to 1975. While this plant was in operation the defective shingles were used for land fill in several areas of Passaic Township. Our property was one of these areas. In 1970 we obtained an "Asbestos Fill Permit" from the township, provided site maps with the area to be filled, etc. At this time, asbestos was not considered hazardous. The operation continued for four years, the property was graded and covered with 6" of soil. Also, the operation was inspected by the township.

In the early 80's, when we heard of the dangers of asbestos, we had the air, soil, and water tested by Rutgers University and were informed we did not have any health problems associated with the land fill. In 1987 Hart Assoc., who was retained by National Gypsum, tested the soil, and water and we were advised there was no health problem. Also, this information was given to EPA by Hart Assoc.

On August 23, 1990, a form letter was left in our mailbox (attachment # 1). In response to this letter, we learned the EPA was on our property without our knowledge or permission on August 2, 1990, and took soil samples which showed chrysotile asbestos contamination. (Chrysotile is the least harmful type of asbestos fiber.)

On September 13, 1990, we met with the EPA and ATSDR and were told we should move out of our home immediately for at least 90 days, close the riding track, close our barn and relocate the horses and boarders. EPA planned to do extensive testing on our property, and suggested we and all the boarders take medical exams.

On September 17, 1990, EPA had ATSDR issue a "Public Health Advisory" (only 3 other such advisories have ever been issued), declaring there is an imminent and substantial health threat, and in so doing, used the words "Love Canal" at a public meeting, thereby panicking residents and alarming township officials.

ABD 002 0479

We were told signs would be posted on our property saying "Danger, asbestos, authorized personnel only, respiratory gear must be worn." An orange "snow fence" was put on our property and signs posted declaring a lesser degree of warning than originally stated. These signs were posted without properly informing nearby residents or the township police.

This information was released to the public based on only 6 soil samples taken 600 feet away from both our house and barn. No air samples were taken then and to-date EPA still has not taken any air samples.

EPA flew over this site and surrounding properties in a helicopter taking pictures on several occasions, at a low altitude without obtaining permission.

Since National Gypsum was put on the Superfund list in 1980, our site was then considered a satellite and is one of the 110 sites in New Jersey targeted for clean-up with federal funds. As far as we can determine, no testing or health advisories have been issued for the main site in Stirling which is a highly contaminated area affecting the Passaic River.

I would like to briefly highlight some of the actions the EPA proposed and the actual resolution.

- ★ PROPOSED - leave our home for a minimum of 90 days to do soil testing - they would relocate us, our boarders, 20 horses, cats and dogs, EPA would only pay for the relocation of our horse not the boarders
 - We refused, feared the boarders would not return
- ★ PROPOSED - ATSDR requested we, all boarders, and employees submit to physicals
 - Our attorney forwarded all literature regarding the advisory to our boarders, including contact names at ATSDR - to our knowledge no one responded
- ✓ ★ PROPOSED - close riding track - cover the surface of the track (120' x 250') with a Geotextile fabric and cover with 8" of soil
 - Riding ring was closed and is negatively impacting our business - it is only a matter of time before all the boarders leave because they do not have a place to ride their horses. Ring was covered with the Geotextile, 300 sand bags were placed on top of it (unsightly appearance) to hold it in place and no soil was put down
- ★ PROPOSED - We were asked to leave our home for two days (refused), later we were asked to leave for two weeks (refused) so that EPA could conduct air samplings in the home. They offered to pay all our living expenses and costs to board dogs, and cats off site.
 - We agreed and set a date to do a 12 hour period of air sampling in the house - EPA did not keep the appointment - no further requests have been received from them
- ★ PROPOSED - Local surveyors and a team of 8 people from out of state were contracted to do surveying and soil sampling for two weeks on our property
 - This was done - they brought to our site a 40' trailer, a 20' dumpster, a 20' van and 2 port-a-johns. (Wouldn't it have been more cost effective to bring in local contractors?)

ABD 002 0480

- ★ PROPOSED - EPA volunteered to expedite the soil sampling process so the riding ring could be re-established in a timely manner
 - This was done - the cost to expedite the turn around time was 200% over the normal charge
- ★ PROPOSED - EPA committed to us in writing that they would re-establish a new riding ring
 - Please see Attachment #2
- ★ PROPOSED - EPA stated they would begin construction of a new riding track on November 5, 1990
 - EPA did not show - their commitment to us was not met

EPA employees on several occasions commented they wanted to see how far they could push us. Also, were all of the above expenses necessary? When the EPA did not start construction for us as promised I tried to find out why. There seem to be many conflicting issues:

- Their lawyer was not in the loop and therefor when it was learned a riding ring was to be built she went to the legal department in Washington to stop process
- EPA's Corps of Engineers was not involved
- Results from the soil sampling in areas outside the main fill area showed .002% contamination. This showed in only a few of the many samples taken. The balance of the samples were negative. The EPA was aware of some very slight contamination before they started the testing. It was decided that this was caused by 20 years of horses picking up small pieces of shingles in their hooves, picked up in the tractors tires, snow plowing, etc. and they showed no concern in reference to re-establishing a riding ring.
- In a conversation with ATSDR, we were told the only percentage they would consider safe would be zero percent. Even though the new ring would be covered with 6 - 9 " of sand, ATSDR would not give their approval to EPA to build. Asbestos is "immobile" in soil; i.e., particles less than 2 microns would move through the soil at the rate of 1 to 10 centimeters per 3,000 to 40,000 years.
- Air samples have never been taken on our property -- OSHA and EPA have indoor standards established for workers based on an 8 hour day at .15 per cu. cent. Now ATSDR is telling us that outside standards have never been established (what then gave them the right to close down our riding area?) and until they do establish standards, they will not build a new ring. They advised one way they can establish a standard is by testing all the property in the great swamp and surroundings areas and if they then find that our levels do not exceed surrounding levels then they may reconsider.

Our questions to you are, why did the EPA renege on re-establishing the riding ring when they are very much aware this will put us out of business? Is the EPA and ATSDR truly concerned about the problem on our property or are they trying to perpetuate their jobs by turning this into a project of magnitude proportions to include the entire Passaic Township area? or, is this a way for National Wildlife to acquire property in the Great Swamp now that all property values have decreased tremendously due to the EPA advisory?

ABD 002 0481

spent a tremendous amount of money to date, they eventually must do
since they designated our satellite for superfund money, but they
us any information on their plans or timeframes. Our main urgent
the EPA re-establish a temporary riding ring until such time they
ring to a suitable and properly constructed riding area. The
fund project takes 6 years from beginning to completion.

in the horse boarding business for 20 years. We run a reputable barn
by the community. We have assured our boarders over the years
posed no threat. The actions by the EPA, etc. are affecting our
and income derived from our business. If it is their intent to squeeze us
they are succeeding.

to you because we cannot get any true answers to the problem if, in
exist. Or, if this is simply the beginning of a bigger project to
spending of taxpayers money unnecessarily?

shed any light on what is going on or can help us in any way to motivate
honor their commitment to us, we would appreciate your involvement.

in advance for your anticipated help.

Joyce Major

agents

The two attached pieces of correspondence represent the only written
communication we have had with EPA & ATSDR.

Arthur Block, ATSDR
Nick DiForte, EPA
Mike Neill, EPA
Dick Salki, EPA
Pat Seppi, EPA

ABD 002 0482